



Bureau of Indian Affairs

The Indian Preference Law Fact Sheet



The purpose of this document is to provide a brief summary of information regarding Indian Preference and how it applies to the employment practices in the Bureau of Indian Affairs (BIA).

AUTHORITY

The legal authority for Indian Preference can be found in Title 25, United States Code (USC) 472, 472a., and 47; Title 25, Code of Federal Regulations, Part 5.

POLICY

Indian Preference affords absolute hiring preference to qualified Indian individuals who are enrolled in a federally recognized tribe, are able to provide a valid, "Verification of Indian Preference for Employment in the Bureau of Indian Affairs and Indian Health Service Only," form BIA 4432 and are suitable for Federal employment. Indian Preference is applicable when appointments are made to vacant positions, no matter how the vacancy arises. Indian Preference applies to the initial hiring, reassignment, transfer, competitive promotion, reappointment, reinstatement, or any personnel action intended to fill a vacant position.

When one or more qualified Indian Preference applicants apply for an advertised vacancy, non-Indian applicants will not be initially rated nor referred to the selecting official for consideration.

Positions advertised at more than one grade level cannot be filled by a non-Indian applicant if a qualified Indian Preference applicant is available at any one of the grade levels advertised.

VETERANS PREFERENCE

Appointments made under the Indian Preference law take precedence over provisions of the Veterans Preference Act of 1944, as amended.

COMPLAINT PROCESS

If an applicant believes that there has been a violation of Indian Preference, they should contact the Servicing Human Resources Office/Human Resources Specialist listed on the job announcement.